

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16895 of 2004

Between:

Miryalaguda Sports and Cultural Association at H.No.23-98, Take Road,
Miryalaguda, Nalgonda District
Rep. by its President Y saidi Reddy.

..... PETITIONER

AND

- 1 The Station House Officer P.S.Miryalaguda Town
Miryalaguda, Nalgonda District.
- 2 The Deputy Superintendent of Police Miryalaguda, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus, declaring the action of the respondents in illegally interfering with the lawful activities of the writ petitioner and its members and their guests as illegal, improper, against to the provisions of Article 21 of the Constitution of India as well as Principles of Natural Justice, besides being violative of the orders passed in W.A.No.1167/2002 dated 29.7.2002 of this Hon'ble High Court while issuing a consequential direction to the respondents not to interfere with the lawful activities of the writ petitioner Viz., playing chess, Carroms, table tennis playing Cards (13-Cards Rummy with syndicate), library and gym facilities to its members and their guests, and other skill games as per the by laws of the writ petitioner association and pass.

Counsel for the Petitioner: MR.G.L. NARASIMHA RAO

Counsel for the Respondent No.1 and 2: GP FOR HOME

The Court made the following :

ORDER:

In this Writ petition the petitioner is seeking a Writ of Mandamus declaring the action of the respondents in illegally interfering with the lawful activities of the petitioner-Cultural Association as arbitrary and illegal.

Heard both the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

It is brought to my notice that in similar circumstances, a Division Bench of this Court has clarified the legal position in this regard in its Judgment in W.A.No.1167 of 2002 dated 29.07.2002. The relevant portion maybe extracted hereunder:

“ The police authorities cannot obstruct the Writ Petitioner-Club from conducting card room where the members and guests of the Writ Petitioner’s cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police are always at liberty to enter the premises and check as to whether the cultural center of the

Club is conducting card room where the members and guests of petitioner’s cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, police may enter the Club and verify the same and proceed further if the members and guests of Writ Petitioner’s cultural center play

other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered.”

Following the above judgment of the Division Bench, the Writ Petition is disposed of in terms of the directions given in the judgment in W.A.No.1167 of 2002 dated 29.07.2002.

However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Society if they promote any illegal activity at the premises of the petitioner-Society. No costs.

21-09-2004

klp

To

- 1 The Station House Officer P.S.Miryalaguda Town
Miryalaguda, Nalgonda District.
- 2 The Deputy Superintendent of Police Miryalaguda, Nalgonda District.
- 3 2CCs to G.P. for Home, High Court building, Hyderabad.(OUT)>
- 4 2CD copies